

### **REMARKS/ARGUMENTS**

This Amendment is being filed in response to the Office Action dated May 11, 2011. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-2 and 5-14 are pending in the Application. Claims 1, 5 and 11 are independent claims.

In the Office Action, claims 1, 5, 6, 8, 10-12 and 15 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,146,373 to Cragg et al. ("Cragg") in view of U.S. Patent No. 6,955,674 to Eick et al. ("Eick"). Claims 2, 7, 9 and 13 are rejected under 35 U.S.C. §103(a) over Cragg in view of Eick and further in view of U.S. Patent No. 6,463,317 to Kucharczyk et al. ("Kucharczyk"). These rejections are respectfully traversed. It is respectfully submitted that the claims are allowable for at least the following reasons.

The Claims are amended to clarify their recitations.

As was argued in the response to the previous Office Action, col. 9, lines 40-50 of Cragg discusses the radiopaque markers 50, 52 of FIG. 6, similar to the rest of Cragg does not teach, disclose, or suggest that the active locator is configured to provide coordinates to determine a spatial position and/or orientation of the catheter". In Response to Arguments the Examiner argues that Eick discusses a method ... and that "one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. In response, the Applicants respectfully point out that claim 1 is an Apparatus claim and the Examiner only uses Cragg not Eick to reject "a catheter", "an active locator" and a pump. See page 2 of the Final Office Action. It is only in rejecting the

last element of claim 1, "a monitor connected to the active locator and the pump" that Eick is introduced.

Furthermore, with regard to the Examiner's comment that "there is nothing in this passage of Eick that would suggest that the electrode is not an "active locator," as presented in the claim." The Applicant points out that the Examiner has not indicated, using column and line number, where exactly in Eick such description is disclosed. It is respectfully submitted that Cragg and Eick do not teach, disclose, or suggest "an active locator attached to a tip of the catheter and configured to provide coordinates to determine a spatial position and/or orientation of the catheter", as recited in claim 1, for example. The Examiner has failed to show where in Cragg and Eick a disclosure anticipating the quoted element or making it obvious is found.

Further, it is undisputed, as acknowledged at page 2 of the Final Office Action, that Cragg fails to disclose a monitor connected to the active locator and the pump. Instead, the Final Office Action references Eick as describing that which is admitted missing from Cragg. However, it is respectfully submitted that this reliance on Eick is misplaced.

Eick identifies the method quoted by the Examiner at page 6 of the Final Office Action as being described in U.S. Patent No. 5,983,126 ("Patent '126"). Patent '126, at col. 3, lines 25-33 describes the electrodes as follows:

The catheter has at least two electrodes, illustrated at 47, 48. Electrode 47 is at about the tip end of the catheter, and can be positioned at or adjacent to the heart wall area of interest. As used herein, the tip electrode may be actually at the tip, or displaced somewhat proximally from the tip but in the distal tip region of the catheter. The second electrode 48 is positioned a predetermined distance D from the electrode 47.

Thus, Patent '126 and Eick require two electrodes, not just one active locator as recited in the claims. The first electrode at about the tip of the catheter and another at a predetermined distance from the tip to determine what an active locator of claim 1 determines by itself. Accordingly, Eick does not teach, disclose, or suggest "an active locator attached to a tip of the catheter and configured to provide coordinates to determine a spatial position and/or orientation of the catheter" as recited in the claims. Further, it follows that since Cragg and Eick failed to suggest provision of coordinates in a manner prescribed in the claims, Cragg and Eick do not teach, disclose, or suggest a monitor configured "to monitor the spatial position and/or orientation of the catheter based on the provided coordinates from the locator", as for example recited in claim 1.

Further, Cragg and Eick do not teach, disclose, or suggest a monitor configured "to detect emergence of the tip of the catheter from the aneurysm during the injection of the filling material into the aneurysm, and configured to stop the supply of the filling material in response to the detected emergence", as for example recited in claim 1.

It is respectfully submitted that the claims are not anticipated or made obvious by the teachings of the presented prior art references. For example, Cragg in view of Eick does not teach, disclose or suggest, amongst other patentable elements, (illustrative emphasis added) "an active locator attached to a tip of the catheter configured to provide coordinates to determine a spatial position and/or orientation of the catheter; a pump configured to controllably supply filling material to the catheter; and a monitor connected to the active locator and the pump, wherein the monitor is configured to monitor the spatial position and/or orientation of the catheter based on the provided coordinates from the locator to

detect emergence of the tip of the catheter from the aneurysm during the injection of the filling material into the aneurysm, and configured to stop the supply of the filling material in response to the detected emergence" as recited in claim 1, and as similarly recited in each of claims 5 and 11.

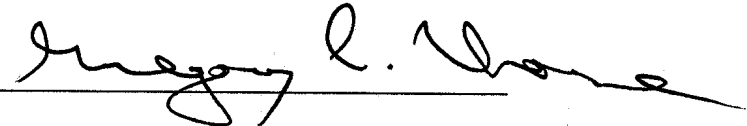
Kucharczyk is cited in rejecting the dependent claims and, in any event, does not remedy the deficiencies of Cragg and Eick.

Based on the foregoing, the Applicants respectfully submit that the independent claims are patentable and notice to this effect is earnestly solicited. The dependent claims respectively depend from one of the independent claims and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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